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The situation in the Middle East

Question of Palestine

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Letter dated 9 June 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

In breach of all norms and rules of international law, Israel, the occupying Power, continues to carry out its illegal policies and practices against the Palestinian people and their leadership in the Occupied Palestinian Territory, including East Jerusalem. Among the countless unlawful policies and practices that continue to be carried out by the occupying Power are the abduction, detention and imprisonment of Palestinian civilians, including men, women and children.

Currently, more than 7,000 Palestinians continue to be illegally detained and imprisoned in Israeli jails and detention centres under the most inhumane and unhygienic conditions and subject to harassment, physical and mental abuse and many even subject to torture. The majority of those persons are repeatedly and continuously denied access to their families, to legal representation and to visits by the International Committee for the Red Cross and other humanitarian organizations. Also among those being unlawfully imprisoned by the occupying Power are Palestinian leaders and elected officials, including Marwan Barghouti, member of the Palestinian Legislative Council, Hossam Khader, also member of the Palestinian Legislative Council, and Abdullah Mallouh, member of the Executive Committee of the Palestine Liberation Organization.

In the specific case of Mr. Barghouti, the Israeli occupying forces abducted him from the Occupied Palestinian Territory two years ago and jailed him. Mr. Barghouti was then put on trial in an Israeli Court, which three days ago, on 6 June 2004, sentenced him to five consecutive life terms in prison plus forty years. The Palestinian leadership rejects this sentencing of Mr. Barghouti. Mr. Barghouti, as an elected member of the Legislative Council, has immunity, which has never

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been waived, but, more importantly, the Israeli court has no jurisdiction whatsoever over the Occupied Palestinian Territory or over any Palestinian living there. Indeed, as apparent from the sham of conduct of the court in this case, the Israeli courts clearly function as part and parcel of the Israeli occupation over the Palestinian people. These courts serve as just another means to abrogate the rights of the Palestinian people and to illegally punish them.

At this time, the Palestinian leadership reiterates its calls for the immediate release of Mr. Barghouti and his colleagues as well as for the release of all other Palestinian civilians being illegally detained and jailed by the occupying Power. We also call upon the international community to exert serious efforts to compel Israel to release these persons and to abide by its obligations under international law, including in particular international humanitarian law, in its conduct as an occupying Power in the Occupied Palestinian Territory, including East Jerusalem.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the fifty-eighth session of the General Assembly, under agenda items 37, 38 and 84, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations